

REMARKS

Claims 4, 5, 16, 17, 25 and 26 are canceled. There is no specific statement that claim 6 is either rejected or objected to under 35 U.S.C. 112. However, reference is made as follows: "claim 6 recites the limitation "the signals" in line 4. There is insufficient antecedent basis for this limitation in the claims." This is overcome by the amendment to claim 6.

Claims 1-29 are rejected under 35 U.S.C. §102(e) as being anticipated by Levine et al (U.S. Patent 6,732,159) (Levine). This is a new art rejection inasmuch as Levine was not cited in the previous office action. Levine is not applicable to the amended claims for the following reasons.

The PTO provides in MPEP §2131 that:

"[t]o anticipate a claim, the reference must teach every element of the claim."

Therefore, to support these rejections with respect to independent claims 1, 12 and 21, the Levine patent must contain all of the above-claimed elements of the claim. However, this patent does not disclose a serial speech synthesizer; and a computer system including a basic input output system (BIOS) configured to provide a translation from display information to a data pattern output via a serial port in the system for generating an audible output and, in response to detecting the speech synthesizer, cause the computer system to translate the information to a data pattern and provide the data pattern to the speech synthesizer; the speech synthesizer coupled to the serial port and configured to reproduce the pattern with the audible output.

As a result, the rejection based on 35 U.S.C. §102(b) cannot be supported by the Levine patent as applied to claims 1, 12 and 21 and their respective dependent claims.

Furthermore, claims 1, 12 and 21 would also not be obvious over the Levine patent for the following reasons.

35 U.S.C. §103(a) provides that:

[a] patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains ... (emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Levine does not teach a serial speech synthesizer; and a computer system including a basic input output system (BIOS) configured to provide a translation from display information to a data pattern output via a serial port in the system for generating an audible output and, in response to detecting the speech synthesizer, cause the computer system to translate the information to a data pattern and provide the data pattern to the speech synthesizer; the speech synthesizer coupled to the serial port and configured to reproduce the pattern with the audible output.

Therefore, it is impossible to render the subject matter of the claims as a whole obvious based on Levine. As a result, the examiner's burden of factually supporting a prima facie case of obviousness clearly could not be met with respect to claims, and a rejection under 35 U.S.C. §103(a) would not be applicable.

As the PTO recognizes in MPEP § 2142:

[T]he examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then made a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. ...[I]mpermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

Further, Levine does not teach or even suggest, the invention as claimed.

In view of all of the above, the allowance of claims 1-2, 6-15, 18-24 and 27-29 is respectfully requested.

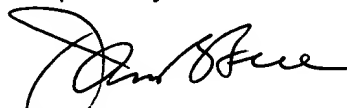
PATENT

Docket No.: 16356.640 (DC-02925)

Customer No.: 000027683

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



James R. Bell

Registration No. 26,528

Dated: 3-30-06
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512/867-8407
Facsimile: 214/200-0853
ipdocketing@haynesboone.com

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
on	<u>Mar 30, 2006</u>
Date	<u>Susan C. Lien</u>
Susan C. Lien	